



Rep. Michael W. Tryon

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LRB096 10119 AJT 23847 a

1 AMENDMENT TO HOUSE BILL 3787

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3787 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 6-106.1 as follows:

6 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

7 Sec. 6-106.1. School bus driver permit.

8 (a) The Secretary of State shall issue a school bus driver  
9 permit to those applicants who have met all the requirements of  
10 the application and screening process under this Section to  
11 insure the welfare and safety of children who are transported  
12 on school buses throughout the State of Illinois. Applicants  
13 shall obtain the proper application required by the Secretary  
14 of State from their prospective or current employer and submit  
15 the completed application to the prospective or current  
16 employer along with the necessary fingerprint submission as

1 required by the Department of State Police to conduct  
2 fingerprint based criminal background checks on current and  
3 future information available in the state system and current  
4 information available through the Federal Bureau of  
5 Investigation's system. Applicants who have completed the  
6 fingerprinting requirements shall not be subjected to the  
7 fingerprinting process when applying for subsequent permits or  
8 submitting proof of successful completion of the annual  
9 refresher course. Individuals who on the effective date of this  
10 Act possess a valid school bus driver permit that has been  
11 previously issued by the appropriate Regional School  
12 Superintendent are not subject to the fingerprinting  
13 provisions of this Section as long as the permit remains valid  
14 and does not lapse. The applicant shall be required to pay all  
15 related application and fingerprinting fees as established by  
16 rule including, but not limited to, the amounts established by  
17 the Department of State Police and the Federal Bureau of  
18 Investigation to process fingerprint based criminal background  
19 investigations. All fees paid for fingerprint processing  
20 services under this Section shall be deposited into the State  
21 Police Services Fund for the cost incurred in processing the  
22 fingerprint based criminal background investigations. All  
23 other fees paid under this Section shall be deposited into the  
24 Road Fund for the purpose of defraying the costs of the  
25 Secretary of State in administering this Section. All  
26 applicants must:

- 1           1. be 21 years of age or older;
- 2           2. possess a valid and properly classified driver's  
3 license issued by the Secretary of State;
- 4           3. possess a valid driver's license, which has not been  
5 revoked, suspended, or canceled for 3 years immediately  
6 prior to the date of application, or have not had his or  
7 her commercial motor vehicle driving privileges  
8 disqualified within the 3 years immediately prior to the  
9 date of application;
- 10          4. successfully pass a written test, administered by  
11 the Secretary of State, on school bus operation, school bus  
12 safety, and special traffic laws relating to school buses  
13 and submit to a review of the applicant's driving habits by  
14 the Secretary of State at the time the written test is  
15 given;
- 16          5. demonstrate ability to exercise reasonable care in  
17 the operation of school buses in accordance with rules  
18 promulgated by the Secretary of State;
- 19          6. demonstrate physical fitness to operate school  
20 buses by submitting the results of a medical examination,  
21 including tests for drug use for each applicant not subject  
22 to such testing pursuant to federal law, conducted by a  
23 licensed physician, an advanced practice nurse who has a  
24 written collaborative agreement with a collaborating  
25 physician which authorizes him or her to perform medical  
26 examinations, or a physician assistant who has been

1 delegated the performance of medical examinations by his or  
2 her supervising physician within 90 days of the date of  
3 application according to standards promulgated by the  
4 Secretary of State;

5 7. affirm under penalties of perjury that he or she has  
6 not made a false statement or knowingly concealed a  
7 material fact in any application for permit;

8 8. have completed an initial classroom course,  
9 including first aid procedures, in school bus driver safety  
10 as promulgated by the Secretary of State; and after  
11 satisfactory completion of said initial course an annual  
12 refresher course; such courses and the agency or  
13 organization conducting such courses shall be approved by  
14 the Secretary of State; failure to complete the annual  
15 refresher course, shall result in cancellation of the  
16 permit until such course is completed;

17 9. not have been convicted of 2 or more serious traffic  
18 offenses, as defined by rule, within one year prior to the  
19 date of application that may endanger the life or safety of  
20 any of the driver's passengers within the duration of the  
21 permit period;

22 10. not have been convicted of reckless driving,  
23 driving while intoxicated, or reckless homicide resulting  
24 from the operation of a motor vehicle within 3 years of the  
25 date of application;

26 11. not have been convicted of committing or attempting

1 to commit any one or more of the following offenses: (i)  
2 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,  
3 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,  
4 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,  
5 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
6 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,  
7 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,  
8 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
9 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,  
10 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and  
11 33A-2, and in subsection (a) and subsection (b), clause  
12 (1), of Section 12-4 of the Criminal Code of 1961; (ii)  
13 those offenses defined in the Cannabis Control Act except  
14 those offenses defined in subsections (a) and (b) of  
15 Section 4, and subsection (a) of Section 5 of the Cannabis  
16 Control Act; (iii) those offenses defined in the Illinois  
17 Controlled Substances Act; (iv) those offenses defined in  
18 the Methamphetamine Control and Community Protection Act;  
19 (v) any offense committed or attempted in any other state  
20 or against the laws of the United States, which if  
21 committed or attempted in this State would be punishable as  
22 one or more of the foregoing offenses; (vi) the offenses  
23 defined in Section 4.1 and 5.1 of the Wrongs to Children  
24 Act and (vii) those offenses defined in Section 6-16 of the  
25 Liquor Control Act of 1934;

26 12. not have been repeatedly involved as a driver in

1 motor vehicle collisions or been repeatedly convicted of  
2 offenses against laws and ordinances regulating the  
3 movement of traffic, to a degree which indicates lack of  
4 ability to exercise ordinary and reasonable care in the  
5 safe operation of a motor vehicle or disrespect for the  
6 traffic laws and the safety of other persons upon the  
7 highway;

8 13. not have, through the unlawful operation of a motor  
9 vehicle, caused an accident resulting in the death of any  
10 person; and

11 14. not have, within the last 5 years, been adjudged to  
12 be afflicted with or suffering from any mental disability  
13 or disease.

14 (b) A school bus driver permit shall be valid for a period  
15 specified by the Secretary of State as set forth by rule. It  
16 shall be renewable upon compliance with subsection (a) of this  
17 Section.

18 (c) A school bus driver permit shall contain the holder's  
19 driver's license number, legal name, residence address, zip  
20 code, social security number and date of birth, a brief  
21 description of the holder and a space for signature. The  
22 Secretary of State may require a suitable photograph of the  
23 holder.

24 (d) The employer shall be responsible for conducting a  
25 pre-employment interview with prospective school bus driver  
26 candidates, distributing school bus driver applications and

1 medical forms to be completed by the applicant, and submitting  
2 the applicant's fingerprint cards to the Department of State  
3 Police that are required for the criminal background  
4 investigations. The employer shall certify in writing to the  
5 Secretary of State that all pre-employment conditions have been  
6 successfully completed including the successful completion of  
7 an Illinois specific criminal background investigation through  
8 the Department of State Police and the submission of necessary  
9 fingerprints to the Federal Bureau of Investigation for  
10 criminal history information available through the Federal  
11 Bureau of Investigation system. The applicant shall present the  
12 certification to the Secretary of State at the time of  
13 submitting the school bus driver permit application.

14 (e) Permits shall initially be provisional upon receiving  
15 certification from the employer that all pre-employment  
16 conditions have been successfully completed, and upon  
17 successful completion of all training and examination  
18 requirements for the classification of the vehicle to be  
19 operated, the Secretary of State shall provisionally issue a  
20 School Bus Driver Permit. The permit shall remain in a  
21 provisional status pending the completion of the Federal Bureau  
22 of Investigation's criminal background investigation based  
23 upon fingerprinting specimens submitted to the Federal Bureau  
24 of Investigation by the Department of State Police. The Federal  
25 Bureau of Investigation shall report the findings directly to  
26 the Secretary of State. The Secretary of State shall remove the

1 bus driver permit from provisional status upon the applicant's  
2 successful completion of the Federal Bureau of Investigation's  
3 criminal background investigation.

4 (f) A school bus driver permit holder shall notify the  
5 employer and the Secretary of State if he or she is convicted  
6 in another state of an offense that would make him or her  
7 ineligible for a permit under subsection (a) of this Section.  
8 The written notification shall be made within 5 days of the  
9 entry of the conviction. Failure of the permit holder to  
10 provide the notification is punishable as a petty offense for a  
11 first violation and a Class B misdemeanor for a second or  
12 subsequent violation.

13 (g) Cancellation; suspension; notice and procedure.

14 (1) The Secretary of State shall cancel a school bus  
15 driver permit of an applicant whose criminal background  
16 investigation discloses that he or she is not in compliance  
17 with the provisions of subsection (a) of this Section.

18 (2) The Secretary of State shall cancel a school bus  
19 driver permit when he or she receives notice that the  
20 permit holder fails to comply with any provision of this  
21 Section or any rule promulgated for the administration of  
22 this Section.

23 (3) The Secretary of State shall cancel a school bus  
24 driver permit if the permit holder's restricted commercial  
25 or commercial driving privileges are withdrawn or  
26 otherwise invalidated.

1           (4) The Secretary of State may not issue a school bus  
2 driver permit for a period of 3 years to an applicant who  
3 fails to obtain a negative result on a drug test as  
4 required in item 6 of subsection (a) of this Section or  
5 under federal law.

6           (5) The Secretary of State shall forthwith suspend a  
7 school bus driver permit for a period of 3 years upon  
8 receiving notice that the holder has failed to obtain a  
9 negative result on a drug test as required in item 6 of  
10 subsection (a) of this Section or under federal law.

11           The Secretary of State shall notify the State  
12 Superintendent of Education and the permit holder's  
13 prospective or current employer that the applicant has (1) has  
14 failed a criminal background investigation or (2) is no longer  
15 eligible for a school bus driver permit; and of the related  
16 cancellation of the applicant's provisional school bus driver  
17 permit. The cancellation shall remain in effect pending the  
18 outcome of a hearing pursuant to Section 2-118 of this Code.  
19 The scope of the hearing shall be limited to the issuance  
20 criteria contained in subsection (a) of this Section. A  
21 petition requesting a hearing shall be submitted to the  
22 Secretary of State and shall contain the reason the individual  
23 feels he or she is entitled to a school bus driver permit. The  
24 permit holder's employer shall notify in writing to the  
25 Secretary of State that the employer has certified the removal  
26 of the offending school bus driver from service prior to the

1 start of that school bus driver's next workshift. An employing  
2 school board that fails to remove the offending school bus  
3 driver from service is subject to the penalties defined in  
4 Section 3-14.23 of the School Code. A school bus contractor who  
5 violates a provision of this Section is subject to the  
6 penalties defined in Section 6-106.11.

7 All valid school bus driver permits issued under this  
8 Section prior to January 1, 1995, shall remain effective until  
9 their expiration date unless otherwise invalidated.

10 (h) When a school bus driver permit holder who is a service  
11 member is called to active duty, the employer of the permit  
12 holder shall notify the Secretary of State, within 30 days of  
13 notification from the permit holder, that the permit holder has  
14 been called to active duty. Upon notification pursuant to this  
15 subsection, (i) the Secretary of State shall characterize the  
16 permit as inactive until a permit holder renews the permit as  
17 provided in subsection (i) of this Section, and (ii) if a  
18 permit holder fails to comply with the requirements of this  
19 Section while called to active duty, the Secretary of State  
20 shall not characterize the permit as invalid.

21 (i) A school bus driver permit holder who is a service  
22 member returning from active duty must, within 90 days, renew a  
23 permit characterized as inactive pursuant to subsection (h) of  
24 this Section by complying with the renewal requirements of  
25 subsection (b) of this Section.

26 (g) For purposes of subsections (h) and (i) of this

1 Section:

2 "Active duty" means active duty pursuant to an executive  
3 order of the President of the United States, an act of the  
4 Congress of the United States, or an order of the Governor.

5 "Service member" means a member of the armed services or  
6 reserve forces of the United States or a member of the Illinois  
7 National Guard.

8 (Source: P.A. 93-895, eff. 1-1-05; 94-556, eff. 9-11-05.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law."